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FILE NO:

February 25, 2025

Via CM/ECF

The Honorable Lewis J. Liman, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007
LimanNYSDCchambers@nysd.uscourts.gov

Re: *Monasar, et al. v. City of New York, et al.*, Case No. 1:25-cv-01337-LJL

Dear Honorable Judge Liman:

We represent Defendant BJ's Wholesale Club, Inc. ("BJ's") in the above-referenced matter.¹

BJ's respectfully requests an adjournment of the initial pretrial conference, currently scheduled for Tuesday, March 4, 2025, until all Defendants in this matter and the related matters² have been served with the operative complaints (as both amended complaints and motions for leave to file amended complaints impacting the scope of the parties have recently been filed) and entered appearances through counsel such cases.

The requested adjournment will avoid prejudice to any of the potential parties to these actions, as it will enable them to (i) assess and provide their input on the proposed case management plan(s) and scheduling order(s) and (ii) individually assess and confer as to potential early motion practice (whether, by way of example, motions to consolidate, dismiss, and/or sever claims or parties). Prior to all such potential parties obtaining representation and entering appearances, BJ's is concerned that it would be premature (considering due process and similar rights) to take any action relating to the potential scope of these cases.

Counsel for BJ's conferred with Plaintiffs' counsel in this matter this evening and Plaintiffs assent to this adjournment request. In addition, counsel for BJ's has reached out to

¹ The Complaint improperly refers to BJ's as "Bj's Wholesale Club Inc."

² The related matters are *DeFalco, et al. v. City of New York, et al.* No. 1:25-cv-01339-KPF (S.D.N.Y.) and *Piney, et al. v. City of New York, et al.*, No. 1:25-cv-00671-DEH-SLC (S.D.N.Y.) BJ's is a named Defendant in the instant matter and the *Piney* matter.

HUNTON

The Honorable Lewis J. Liman, U.S.D.J.
February 25, 2025
Page 2

counsel for the private entity defendants who have appeared in this matter to date, specifically, Burlington Coat Factory Warehouse Corp., The New York Times, and Target Corporation, and none oppose this request.³

Thank you for your consideration. Please do not hesitate to have the Court's staff contact us with any questions.

Respectfully submitted,

/s/ Christopher M. Pardo

Christopher M. Pardo

cc. All Counsel of Record (*via CM/ECF*)

³ Defendant City of New York filed a letter asking the court to convert the initial pretrial conference to a status conference earlier today. BJ's requests that the Court instead adjourn the initial pretrial conference until all Defendants in this matter and the related matters have been served with the operative complaints and entered appearances through counsel for the reasons stated herein.